

ORIGINAL

In the United States Court of Federal Claims

No. 14-925C

(Filed November 25, 2014)

NOT FOR PUBLICATION

FILED

NOV 25 2014

U.S. COURT OF
FEDERAL CLAIMS

JOHN DAVID McBRIDE,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

ORDER

Before the court is plaintiff's October 15, 2014 motion to proceed *in forma pauperis*. Under the Prison Litigation Reform Act,

in no event shall a prisoner bring a civil action . . . [*in forma pauperis*] . . . if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). The Court takes notice that at least three of Mr. McBride's former cases were dismissed for failing to state a claim: *McBride v. Virginia Penal Sys.*, No. 03-690 (E.D. Va. July 9, 2004); *McBride v. Commonwealth's Attorney's Office*, 03-172 (E.D. Va. July 2, 2003); and *McBride v. Dotson*, 03-71 (E.D. Va. Aug. 25, 2003). Further, two prior decisions have denied Mr. McBride leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(g). See *McBride v. Virginia State Bar*, No. 08-733 (E.D. Va. Nov. 25, 2008); *McBride v. Hinkle*, No. 11-169 (E.D. Va. May 11, 2011).

Plaintiff has not alleged any facts that suggest he is in imminent danger of serious physical injury. Accordingly, Mr. McBride's request to proceed *in forma pauperis* is **DENIED**. If Mr. McBride wishes to maintain an action in our court, he

must submit the full filing fee of \$400 so that it is received by the Clerk's Office on or by December 23, 2014.

IT IS SO ORDERED.



VICTOR J. WOLSKI
Judge